IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 11421 of 2004

Between:

Smt. P. Laxmi Kumari, W/o. P. Raghurama Sharma,
R/o. Vijayawada.

..... PETITIONER

AND

1 The Commissioner, Ednowments Department,
Government of A.P. at Hyderabad.
2 The Executive Officer, Sri Durga Malleswara Swamy Varla Devasthanam,
Indrakhiladri, Vijayawada - 520 001.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue appropriate Writ order or direction particularly one in the nature of Writ of Mandamus by directing the first respondent to consider my representation dated 13-11-2003 and accord permission to the 2nd respondent to allot one shop at the 2nd respondent temple

For the Petitioner: MR.J.ASHVINI KUMAR, Advocate

For the Respondent No.1: The GP FOR ENDOWMENTS

For the Respondent No.2: Mrs.Indrani, SC for Endowments.

The Court made the following:

ORDER:

This Writ Petition is filed by the petitioner aggrieved by the inaction on the part of the respondents in disposing of the representation of the petitioner, dated 13.10.2003 according permission to the 2nd respondent to allot one shop of the temple in the interests of justice.

2. According to the petitioner, the petitioner stood as guarantor for payment of lease/rentals in respect of one shop. It is stated that original lessee fell in arrears and he was unable to pay the same, and therefore, the respondents proceeded and raised demand against the petitioner. Therefore, the petitioner made a representation to the respondents for allotment of one shop, so as to discharge the liability of lease/rentals, raised against her as a surety for a third party. It is also stated that in another similar circumstance, the 1st respondent has also sanctioned permission to the 2nd respondent for allotment of a shop without conducting any public auction. Therefore the petitioner sought for a similar relief.

3. The learned Standing Counsel for the 2nd respondent, on instructions, stated that in view of the arrears raised against the petitioner, who stood as guarantor, the 2nd respondent has recommended to the 1st respondent for grant of permission for allotment of one of the shop in the 2nd respondent institution. Therefore, the petitioner's claim would be considered as per the orders of the 1st respondent.

4. Heard the learned counsel for the petitioner, learned Standing Counsel for the respondent, and considered the material on record.

5. In view of the representation of the petitioner pending, basing on which the 2nd

respondent has already forwarded proposals recommending the case of the petitioner to the 1st respondent, the 1st respondent is directed to dispose of the representation of the petitioner expeditiously, preferably within a period of ten days from the date of receipt of a copy of this order. Till the disposal of the said representation of the petitioner by the 1st respondent, the 2nd respondent is directed to keep one shop vacant.

6. The Writ Petition is, accordingly disposed of with the above directions. No costs.

_____

16.07.2004

Dsr/Kvh

.

.... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner, Endowments Department,

Government of A.P., Hyderabad

2. Two CCs to the Government Pleader[Endowments]

High Court Buildings, Hyderabad [OUT]

3. The Executive Officer, Sri Durga Malleswara Swamy varla

Devasthanam, Indrakiladri, Vijayawada – 530 001

4. Two CD copies

.

THE HON'BLE MR JUSTICE S.ANANDA REDDY

–

–

–

–

–

–

–

–

–

–

–

–

–

–

WRIT PETITION NO : 11421 of 2004

Dated 16th day of July,2004